

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

WAYNE B. LYNCH,
Administrator of the Estate of
DONOVON W. LYNCH, Deceased,

Plaintiff,

v.

SOLOMON D. SIMMONS, III, *et al.*,

Defendants.

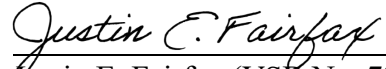
Case No.: 2:21-cv-00341

Magistrate Judge Robert J. Krask

**MOTION TO APPROVE PROPOSED DISTRIBUTION OF SETTLEMENT FUNDS
AND MEMORANDUM OF LAW IN SUPPORT**

The Plaintiff, Estate of Donovan W. Lynch, by its administrator Wayne B. Lynch's
Counsels of Record Justin E. Fairfax, Esq. and Thomas B. Martin, Esq. hereby submit this
proposed distribution of settlement funds in the above-entitled action per the Virginia Wrongful
Death Act and request this Court issue an Order approving and directing distribution consistent
therewith.

Respectfully submitted,



Justin E. Fairfax (VSB No. 72113)

8106 Guinevere Drive

Annandale, VA 22003

(703) 309-6750 (phone)

fairfax.justin@gmail.com

Counsel for Plaintiff

Dated: December 29, 2022

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

WAYNE B. LYNCH,)	
Administrator of the Estate of)	
DONOVON W. LYNCH, Deceased,)	
)	
Plaintiff,)	
)	Case No.: 2:21-cv-00341
v.)	
)	
SOLOMON D. SIMMONS, III, <i>et al.</i> ,)	Magistrate Judge Robert J. Krask
)	
Defendants.)	
)	

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO APPROVE PROPOSED
DISTRIBUTION OF SETTLEMENT FUNDS**

Under Virginia law, the amount recovered in any wrongful death action shall be paid to the personal representative *who shall first pay the costs and reasonable attorney's fees...* the remainder of the amount recovered shall thereafter be distributed to the beneficiaries. Va. Code Ann. § 8.01-54 (West) (emphasis added). The Estate has debts in relation to this case. Counsel for the Parties have received lien notices from two¹ creditors, Anchor Legal Group PLLC and US Claims, both of whom seek remuneration for costs they have represented they incurred in this litigation. This is in addition to the unpaid legal fees and expenses of Counsel of Record for Plaintiff, Justin E. Fairfax, Esq. and Martin Law PLLC. On information and belief, lawful creditors risk not being fully or timely paid if settlement proceeds were not paid directly to a party with fiduciary duties. Further, it is in the interests of the Estate, the beneficiaries and the


¹ Attorney Thomas B. Martin, Counsel of Record to Plaintiff, contacted Attorney Alex Spiro of Quinn Emanuel, who withdrew as purported *pro bono* counsel to the Estate of Donovan W. Lynch on or about October 10, 2022, to ascertain if Quinn Emanuel would be seeking a distribution. As of the filing of this Motion, Mr. Spiro has not responded.

City that such creditors be promptly and fully paid to avoid further litigation. The purpose of the Settlement Agreement is to serve as a release of *all* claims, not to be the source of future claims. Accordingly, we present the following proposed disbursement of the settlement proceeds, which we believe is consistent with the Virginia Wrongful Death Statute's requirements:

- a. Settlement Payment \$ **3,000,000.00**
- b. Lienholder Deductions
 - i. Anchor Law Group \$ 238,902.68
 - ii. US Claims \$ 48,895.00
- c. Attorney's Fees and Expenses
 - i. Justin E. Fairfax, Esq. \$ 466,704.77
 - ii. Martin Law PLLC \$ 267,935.65
 - iii. Total of b, and c \$ (\$1,022,438.10)
- d. Distributions to Beneficiaries
 - i. Wayne B. Lynch & Lauryn Lynch **\$1,977,561.90**

WHEREFORE, we request an Order approving and directing a distribution of the total Settlement Payment to Martin Law PLLC first to be deposited into its escrow account and then disbursed to the Estate's creditors and beneficiaries as enumerated above, and any other relief the Court sees fit.

Respectfully submitted,


Justin E. Fairfax (VSB No. 72113)

Certificate of Service

I hereby certify that on the 29th day of December 2022, the foregoing Joint Motion To Enforce Settlement was electronically filed with the Court, which will automatically serve a copy of said filing via email to counsels of record for Defendant, Solomon D. Simmons and the City of Virginia Beach.

By: Justin E. Fairfax
Justin E. Fairfax (VSB No. 72113)
Counsel for Plaintiff

UNITED STATES DISTRICT COURT
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Norfolk Division

_____)	
WAYNE B. LYNCH,)	
Administrator of the Estate of)	
DONOVON W. LYNCH, Deceased,)	
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Plaintiff,)	
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)	
SOLOMON D. SIMMONS, III, <i>et al.</i> ,)	Magistrate Judge Robert J. Krask
)	
Defendants.)	
_____)	

[PROPOSED] ORDER

Based on the Parties' Joint Motion to Approve Proposed Distribution of Settlement Funds
and Memorandum of Law in Support,

It is on this ____ day of _____, 2022, hereby,

ORDERED that the Parties' Joint Motion is **GRANTED**, and it is further

ORDERED that Martin Law PLLC shall, upon receipt of the settlement proceeds of
\$3,000,000.00 make the following disbursements:

- | | | | |
|---------------------------------|----|------------|-----------------------|
| • Anchor Law Group | \$ | 238,902.68 | |
| • US Claims | \$ | 48,895.00 | |
| • Justin Fairfax | \$ | 466,704.77 | |
| • Martin Law PLLC | \$ | 267,935.65 | |
| • Wayne B. Lynch & Lauryn Lynch | | | \$1,977,561.90 |

SO ORDERED.

Judge

Copies to:
All counsel or record via [CM/ECF]